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July 29, 2009

BY ECF AND HAND DELIVERY

Honorable Allyne R. Ross
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Blake Wingate v. City of New York, et al, 08 CV 217 (ARR) (LB)

Your Honor:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE which has been executed by the parties. We respectfully request that Your Honor endorse the enclosed STIPULATION.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Francolla", written over a horizontal line.

Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation

cc: Blake Wingate (By mail)
Plaintiff *Pro Se*
c/o Jessie Wingate
P.O. Box 638
New York, New York 10028

Enc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
BLAKE WINGATE,

Plaintiff,

-against-

POLICE OFFICER/DETECTIVE PATRICK THEODORE,
DETECTIVE VINCENT HOOSACK, SARGEANT
SCOTT FIELDS, DETECTIVE FORGIONE, NEW YORK
CITY POLICE DEPARTMENT NARCOTICS DIVISION,

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

08 CV 217 (ARR) (LB)

WHEREAS, plaintiff commenced this action by filing an amended complaint on or about February 20, 2008, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff has agreed to settle this matter as against defendants on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Blake Wingate the sum of Three thousand Dollars Zero cents in full

satisfaction of all claims, inclusive of claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the City of New York and all individually named defendants, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the amended complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens or an Affidavit Concerning Liens, whichever applies.

4. Nothing contained herein shall be deemed to be an admission by defendants or the City of New York that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

July 16,, 2009

Blake Wingate
Plaintiff *Pro Se*
P.O. Box 638
New York, New York 10028

By: Blake Wingate
Blake Wingate

MICHAEL A. CARDOZO
Corporation Counsel of the City of New
York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 788-0988

By: [Signature] 7/16/09
Brian Francolla
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.